

Introduced by Senator Kuehl

February 22, 2005

An act to amend Sections 5000, 5001, 5003, 5004, 5005, 5009, 5101, 5106, 5107, 10004.5, 10004.6, 10620, 10631, 10644, 10645, 10652, 10656, 10753.7, 10811, 10814, 10816, 10840, 10841, and 10844 of, to add Sections 139, 276, and 1205.5 to, to repeal Sections 4999, 5108, 10657, 10822, 10823, 10824, 10826, and 10855 of, and to repeal and add Sections 10820, 10821, 10825, 10845, 10853, and 10854 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 820, as introduced, Kuehl. Water.

(1) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.

This bill would require the department, commencing in 2006, and every 2 years thereafter, to prepare and deliver to State Water Project contractors, city and county planning departments, and regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of hydrologic conditions, the then existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

(2) Existing law requires the department and the State Water Resources Control Board to take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state.

Under this bill, on and after January 1, 2011, a rebuttable presumption of waste would arise whenever any person fails to implement cost-effective water conservation practices, as defined.

(3) Existing law declares all water flowing in any natural channel, except as specified, to be public water of the state and subject to appropriation. Existing law authorizes the state board, following notice and hearing, to adopt a declaration that a stream system is fully appropriated.

This bill would require the executive director of the board to establish, maintain, and publish a list of stream systems that are candidates for being declared fully appropriated, for information purposes only.

(4) Existing law, with certain exceptions, requires a person who, after 1955, extracts groundwater in excess of 25 acre-feet in any year in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura to file with the state board an annual notice of extraction. Existing law, with certain exceptions, provides that, after 1959, the failure to file a notice for any calendar year within 6 months after the close of that calendar year is equal to nonuse of the groundwater in those counties for that calendar year by each person failing to so file.

This bill would impose parallel provisions on the balance of the counties in the state for extractions on and after January 1, 2006.

(5) Existing law, except as specified, requires each person who, after December 31, 1965, diverts water to file with the state board, before July 1 of the succeeding year, a statement of diversion and use. Existing law excepts diversions that are covered by an application, or a permit or license to appropriate water on file with the state board. Existing law also excepts diversions reported by the department in its hydrologic data bulletins or included in the consumptive use data for the delta lowlands published by the department in its hydrologic data bulletins. Under existing law, the making of any willful misstatement regarding statements of diversion or use is a misdemeanor and any person who makes a material misstatement under these provisions may be civilly liable. Under existing law, statements filed pursuant to those provisions are for informational purposes only, and, except as specified, neither the failure to file a statement nor any error in the information filed have any legal consequences.

This bill would, with regard to the covered diversions, modify that provision to except diversions covered by a permit or license to appropriate water or a registration of appropriation for small domestic or livestock pond uses that are on file with the state board. The bill would limit those other described exceptions to diversions that occurred before January 1, 2006.

The bill would delete that informational purpose provision and expand the civil liability provision to apply to any person who fails to file a statements for a diversion or use that occurs on or after January 1, 2006. The bill would also make any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2006, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority.

(6) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. Existing law requires the department to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion or specified topics.

This bill would require the plan to include a discussion of the energy requirements of strategies that may be pursued to meet the future water needs of the state, and would require the department to release certain information regarding the energy required to provide current and projected water supplies.

(7) Existing law requires every urban water supplier to prepare and adopt an urban water management plan, as prescribed, including a requirement that the urban water supplier coordinate the preparation of the plan with other appropriate agencies, to the extent practicable. Existing law requires an urban water supplier to submit a copy of its plan to the department, the California State Library, and any city or county within which the supplier provides water supplies, and to make the plan available for public review during normal business hours.

This bill would include public utilities that provide electric or gas service in those coordinating agencies. The bill would require a plan to quantify the energy requirements of certain existing and planned water sources and, with regard to a cost-benefit analysis for water demand management measures, to include energy costs and benefits of conserved water. The bill would require an urban water supplier to submit a copy of its plan to additional entities, and to make the plan available for public review on its Internet Web site.

(8) Existing law exempts the preparation and adoption of urban water management plans from the California Environmental Quality Act.

This bill would make the preparation and adoption of urban water management plans subject to the California Environmental Quality Act.

(9) Under existing law, if an urban water supplier fails to prepare, adopt, and submit an urban water management plan, it is ineligible for certain bond funds and drought assistance until it does so. Existing law, until January 1, 2006, also requires the department to take into consideration whether a plan has been submitted in determining eligibility for other program funds.

This bill would delete those provisions, and would, instead, make an urban water supplier that fails to prepare, adopt, and submit an urban water management plan, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority until it does so.

(10) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, except as specified, would require a local agency to update the plan on or before December 31, 2008, and every 5 years thereafter. The bill would require a local agency to file a copy of its plan with specified entities.

(11) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the preparation and adoption of water management plans. That existing law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2010. The bill would define “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 2,000 acre-feet of water annually for agricultural purposes. The bill would require every person that becomes an agricultural water supplier to

adopt an agricultural water management plan within one year after it has become an agricultural water supplier. The bill would require an agricultural water supplier to update the plan, file it, and make it available, as prescribed. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 139 is added to the Water Code, to read:
2 139. Commencing in 2006, and every two years thereafter, the
3 department shall prepare and deliver to State Water Project
4 contractors, city and county planning departments, and regional
5 and metropolitan planning departments within the project service
6 area, a report that accurately sets forth, under a range of
7 hydrologic conditions, the then-existing overall delivery
8 capability of the project facilities and the allocation of that
9 capacity to each contractor. The range of hydrologic conditions
10 shall include, but is not limited to, the historic extended dry cycle
11 and the long-term average. The biennial report shall also
12 disclose, for each of the 10 years immediately preceding the
13 report, the total amount of project water delivered and the
14 amount of project water delivered to each contractor. The
15 information presented in each report shall be presented in a
16 manner readily understandable by the public.

17 SEC. 2. Section 276 is added to the Water Code, to read:

18 276. (a) A rebuttable presumption of waste arises whenever
19 any person fails to implement cost-effective water conservation
20 practices.

21 (b) The following definitions govern the construction of this
22 section:

23 (1) "Cost-effective" means that the monetary benefits of the
24 water conservation program exceed the monetary costs of
25 implementing the water conservation program. Benefits include
26 the cost of avoided water supply, energy savings, labor savings,
27 and any other avoided costs or savings.

28 (2) "Water conservation" means both of the following:

1 (A) Reducing water losses currently irrecoverable for reuse
2 because they flow to a salt sink or an inaccessible or degraded
3 aquifer, or evaporate to the atmosphere.

4 (B) Reducing diversions or extractions while maintaining the
5 current social and economic benefits of the current uses of water.

6 (3) “Practices” means programs, projects, or practices.

7 (c) In enacting this section, the Legislature does not intend to
8 impinge upon, or otherwise limit, the authority of either the
9 department or the State Water Resources Control Board.

10 (d) This section shall become operative on January 1, 2011.

11 SEC. 3. Section 1205.5 is added to the Water Code, to read:

12 1205.5. (a) The executive director of the board shall
13 establish, maintain, and publish a list of stream systems that are
14 candidates for being declared fully appropriated pursuant to
15 Section 1205.

16 (b) The executive director shall add or remove stream systems
17 to the candidate list established in subdivision (a), based on
18 information known to the executive director and the executive
19 director’s best judgment of the likelihood of the board declaring
20 the stream system fully appropriated.

21 (c) The list of candidate stream systems shall be used for
22 informational purposes only.

23 SEC. 4. Section 4999 of the Water Code is repealed.

24 ~~4999. The Legislature finds and declares that by reason of the~~
25 ~~combination of light rainfall, concentrated population, the~~
26 ~~transition of considerable areas of land from agricultural use to~~
27 ~~urban use, and a similar dependence on ground water supplies~~
28 ~~which prevails in the Counties of Riverside, San Bernardino, Los~~
29 ~~Angeles, and Ventura, together with the fact that most such~~
30 ~~underground water supplies are overdrawn, it is necessary that~~
31 ~~the provisions of this part apply to said counties only.~~

32 SEC. 5. Section 5000 of the Water Code is amended to read:

33 5000. As used in this ~~Part 5~~ *part*, the following terms ~~shall~~
34 ~~have the respective following meanings stated below, viz:~~

35 (a) ~~“Ground water”~~ “Groundwater” means water beneath the
36 surface of the ground whether or not flowing through known and
37 definite channels.

38 (b) “Surface water” means water on the surface of the ground.

39 (c) “Four counties” means the Counties of Riverside, San
40 Bernardino, Los Angeles, and Ventura.

(d) “Balance of the state” means all of this state, excluding the four counties.

(e) “Person” means all persons whether natural or artificial, including the United States of America, the State of California, and all political subdivisions, districts, municipalities and public agencies of or in either the State or the United States.

~~(e)~~

(f) “Sources” means any point of diversion or extraction of water and includes among other things wells, tunnels, and headworks.

SEC. 6. Section 5001 of the Water Code is amended to read:

5001. (a) Each person who, after 1955 in the four counties, and on and after January 1, 2006, in the balance of the state, extracts ~~ground-water~~ groundwater in excess of 25 acre-feet in any year shall file with the board on or before March 1st of the succeeding year a “Notice of Extraction and Diversion of Water” (hereinafter called “notice”) in the form provided in Section 5002; ~~provided, however, that no~~ 5002.

(b) No notice need be filed with respect to, and there shall not be required to be included in any such notice, ~~(a) information any~~ of the following:

(1) Information concerning the extraction or diversion of water from a source from which less than 10 acre-feet has been taken during such ~~year, (b) information~~ year.

(2) Information concerning a taking or diversion of surface water for the purpose of generating electrical energy and other nonconsumptive uses, and for incidental uses in connection therewith, ~~or (c) information~~ therewith.

(3) Information concerning extractions or diversions of water ~~which that~~ are included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have extracted or diverted water and give the general place of use and the quantity of water ~~which that~~ has been extracted or diverted from each source.

SEC. 7. Section 5003 of the Water Code is amended to read:

5003. No prescriptive right ~~which that~~ might otherwise accrue to extract ~~ground-water~~ groundwater shall arise or accrue to, nor shall any statute of limitations operate in regard to ~~such ground~~ water ~~that groundwater~~ in the ~~four counties~~ state or any of them

1 after the year 1956 *in the four counties, and on and after January*
2 *1, 2006, in the balance of the state, in favor of any person*
3 *required to file—such the notice of extraction and diversion of*
4 *water, until—such that person—shall file files with the board the*
5 *first “Notice of Extraction and Diversion of Water” substantially*
6 *in the form mentioned in Section 5002; and as to each person*
7 *who fails to file—such notice by the end of the year 1957 in the*
8 *four counties and on and after January 1, 2007, in the balance of*
9 *the state, it shall be deemed for the period from that time until*
10 *the first notice of such person is filed, that no claim of right to the*
11 *extraction of—ground water groundwater from any—such source in*
12 *the four counties has been made by—such that person, and that*
13 *water so extracted by—such that person from—such ground water*
14 *that groundwater source during—such that period has not been*
15 *devoted to or used for any beneficial use. The beneficial use of*
16 *water from any—ground water groundwater source within the four*
17 *counties in any year by—such that person shall be deemed not to*
18 *exceed the quantity reported in the notice filed for—such that year.*

19 SEC. 8. Section 5004 of the Water Code is amended to read:

20 5004. (a) *After the year 1959 in the four counties, and on and*
21 *after January 1, 2007, in the balance of the state, failure to file*
22 *with the board a notice for any calendar year within six months*
23 *after the close of—such that calendar year shall be deemed*
24 *equivalent for all purposes to nonuse for—such that year of any*
25 *ground water within the four counties groundwater by each*
26 *person failing to so file a notice within said period; provided, that*
27 *period.*

28 (b) *Notwithstanding subdivision (a), this section and Section*
29 *5003 shall not apply to any person whose aggregate extractions*
30 *of—ground water groundwater in any year does not exceed 25*
31 *acre-feet nor to any extractions of—ground water groundwater*
32 *with respect to which no notice is required to be filed under this*
33 *part.*

34 (c) *Any person who fails to submit statements required by this*
35 *part shall be ineligible to receive funds made available pursuant*
36 *to any program administered by the board, the department, or*
37 *the California-Bay Delta Authority.*

38 SEC. 9. Section 5005 of the Water Code is amended to read:

39 5005. *Except as specified in Section 5004, failure to file the*
40 *notice or delay in filing the same shall not cause the loss of rights*

1 to ~~ground water which~~ *groundwater that* existed on January 1,
2 1956, *for persons in the four counties, and January 1, 2006, for*
3 *persons in the balance of the state.*

4 SEC. 10. Section 5009 of the Water Code is amended to read:

5 5009. (a) (1) Notwithstanding any other provision of this
6 part, on and after January 1, 2005, *in the four counties, and on*
7 *and after January 1, 2006, in the balance of the state,* each
8 person who extracts groundwater in a board-designated local
9 area, and who is otherwise subject to this part, shall file the
10 required notice with the appropriate local agency designated
11 pursuant to subdivision (e), instead of the board, in accordance
12 with this part. The notice shall be on a form provided by the local
13 agency and the content of the form shall be determined by the
14 local agency in accordance with Section 5002. To the extent
15 possible, the form shall consolidate the notice required under this
16 section with other reports required by the local agency relating to
17 the extraction of groundwater.

18 (2) A person who is subject to this section is subject to this
19 part in the same manner and to the same extent as a person who
20 files his or her notice with the board.

21 (b) Each notice filed with the local agency may include a
22 filing fee determined by the local agency. If the local agency
23 chooses to impose a filing fee, the local agency shall calculate
24 the amount of the fee to pay for administrative expenses incurred
25 in connection with the processing, compiling, and retaining of the
26 notices, but in no event shall the fee amount exceed that amount
27 charged by the board pursuant to Section 5006.

28 (c) The local agency shall make available to the public the
29 information collected pursuant to this section.

30 (d) For the purposes of this section:

31 (1) "Board-designated local area" means the area entirely
32 within the jurisdiction of the local agency that the board has
33 determined shall be subject to this section.

34 (2) "Local agency" means the local public agency or court
35 appointed watermaster that has been designated by the board in
36 accordance with subdivision (e).

37 (e) The board may designate an entity as a local agency for the
38 purposes of this section if the board determines that all of the
39 following apply:

40 (1) The entity has volunteered to be designated.

(2) The entity has responsibilities relating to the extraction or use of groundwater.

(3) The entity has made satisfactory arrangements with the board to identify which groundwater extractors are within the designated local area and to avoid the submission of notices to both the board and one or more local agencies.

(4) The entity has made satisfactory arrangements with the board to maintain records filed under this part for extractions within the designated local area, and to make those records available to governmental agencies.

SEC. 11. Section 5101 of the Water Code is amended to read:

5101. Each person who, after December 31, 1965, diverts water shall file with the board, prior to July 1 of the succeeding year, a statement of his diversion and use; provided, however, that no statement need be filed if the diversion is any of the following:

(a) From a spring which does not flow off the property on which it is located.

~~(b) Covered by an application;~~ a permit or license to appropriate water, *or a registration of appropriation for small domestic or livestock stockpond uses*, on file with the board.

(c) Included in a notice filed pursuant to Part 5 (commencing with Section 4999) of this division.

(d) Regulated by a watermaster appointed by the department.

~~(e) Reported by the department in its hydrologic data bulletins.~~

~~(f) Included in the consumptive use data for the delta lowlands published by the department in its hydrologic data bulletins.~~

~~(g)~~

(e) Included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to administer a final judgment determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity of water which has been diverted from each source.

~~(h)~~

(f) For use in compliance with the provisions of Article 2.5 (commencing with Section 1226) of Chapter 1 of Part 2 of this division.

(g) *A diversion that occurs before January 1, 2006, if any of the following applies:*

1 *(1) The diversion is covered by an application to appropriate*
2 *water on file with the board.*

3 *(2) The diversion is reported by the department in its*
4 *hydrologic data bulletins.*

5 *(3) The diversion is included in the consumptive used data for*
6 *the delta lowlands published by the department in its hydrologic*
7 *data bulletins.*

8 SEC. 12. Section 5106 of the Water Code is amended to read:

9 5106. (a) Neither the statements submitted under this part nor
10 the determination of facts by the board pursuant to Section 5105
11 shall establish or constitute evidence of a right to divert or use
12 water.

13 (b) (1) The board may rely on the names and addresses
14 included in statements submitted under this part for the purpose
15 of determining the names and addresses of persons who are to
16 receive notices with regard to proceedings before the board.

17 (2) Notwithstanding paragraph (1), any person may submit, in
18 writing, a request to the board to provide notification to a
19 different address, and the board shall provide the notification to
20 that address.

21 (3) If the board provides notice to persons who file statements
22 under this part, the notice shall not be determined to be
23 inadequate on the basis that notice was not received by a person,
24 other than a party to whom the board's action is directed, who
25 fails to file a statement required to be filed under this part.

26 (4) This subdivision does not affect the requirement in Section
27 2527 to provide notice to all persons who own land that appears
28 to be riparian to the stream system.

29 (c) In any proceeding before the board to determine whether
30 an application for a permit to appropriate water should be
31 approved, any statement submitted under this part or
32 determination by the board pursuant to Section 5105 is evidence
33 of the facts stated therein.

34 *(d) In any proceeding before the board in which it is alleged*
35 *that an appropriative right has ceased because water has not*
36 *been put to beneficial use, any use occurring on or after January*
37 *1, 2006, that is required to be included in a statement submitted*
38 *under this part shall be deemed not to have occurred unless it*
39 *was reported in a statement submitted under this part, and the*

1 *quantity used shall be deemed not to exceed the quantity*
2 *reported.*

3 SEC. 13. Section 5107 of the Water Code is amended to read:

4 5107. (a) The making of any willful misstatement pursuant to
5 this part is a misdemeanor punishable by a fine not exceeding
6 one thousand dollars (\$1,000) or by imprisonment in the county
7 jail for not to exceed six months, or both.

8 (b) Any person who *fails to file a statement required to be*
9 *filed under this part for a diversion or use that occurs on or after*
10 *January 1, 2006, or who* makes a material misstatement pursuant
11 to this part may be liable civilly as provided in subdivision (c).

12 (c) Civil liability may be administratively imposed by the
13 board pursuant to Section 1055 in an amount not to exceed five
14 hundred dollars (\$500) for each violation. In determining the
15 appropriate amount, the board shall consider all relevant
16 circumstances, including, but not limited to, all of the following
17 factors:

18 (1) The extent of harm caused by the violation.

19 (2) The nature and persistence of the violation.

20 (3) The length of time over which the violation occurs.

21 (4) Any corrective action undertaken by the violator.

22 (d) All funds recovered pursuant to this section shall be
23 deposited in the Water Rights Fund established pursuant to
24 Section 1550.

25 (e) *Any person who fails to file a statement required to be filed*
26 *under this part for a diversion or use that occurs on or after*
27 *January 1, 2006, is ineligible for funds made available pursuant*
28 *to any program administered by the board, the department, or*
29 *the California Bay-Delta Authority.*

30 SEC. 14. Section 5108 of the Water Code is repealed.

31 ~~5108. Statements filed pursuant to this part shall be for~~
32 ~~informational purposes only, and neither the failure to file a~~
33 ~~statement nor any error in the information filed shall have any~~
34 ~~legal consequences whatsoever other than those specified in this~~
35 ~~part.~~

36 SEC. 15. Section 10004.5 of the Water Code is amended to
37 read:

38 10004.5. As part of the requirement of the department to
39 update The California Water Plan pursuant to subdivision (b) of

1 Section 10004, the department shall include in the plan a
2 discussion of ~~various~~ *all of the following*:

3 (a) *Various* strategies, including, but not limited to, those
4 relating to the development of new water storage facilities, water
5 conservation, water recycling, desalination, conjunctive use, and
6 water transfers that may be pursued in order to meet the future
7 water needs of the state. ~~The department shall also include a~~
8 ~~discussion of the~~

9 (b) *The energy requirements of each strategy.*

10 (c) *The potential for alternative water pricing policies to*
11 *change current and projected uses.* ~~The department shall include~~
12 ~~in the plan a discussion of the~~

13 (d) *The potential advantages and disadvantages of each*
14 *strategy and an identification of all federal and state permits,*
15 *approvals, or entitlements that are anticipated to be required in*
16 *order to implement the various components of the strategy.*

17 SEC. 16. Section 10004.6 of the Water Code is amended to
18 read:

19 10004.6. (a) As part of updating The California Water Plan
20 every five years pursuant to subdivision (b) of Section 10004, the
21 department shall conduct a study to determine the amount of
22 water needed to meet the state's future needs and to recommend
23 programs, policies, and facilities to meet those needs.

24 (b) The department shall consult with the advisory committee
25 established pursuant to subdivision (b) of Section 10004 in
26 carrying out this section.

27 (c) ~~On or before January 1, 2002, and one~~ *One* year prior to
28 issuing each ~~successive~~ update to The California Water Plan, the
29 department shall release a preliminary draft of the assumptions
30 and other estimates upon which the study will be based, to
31 interested persons and entities throughout the state for their
32 review and comments. The department shall provide these
33 persons and entities an opportunity to present written or oral
34 comments on the preliminary draft. The department shall
35 consider these documents when adopting the final assumptions
36 and estimates for the study. For the purpose of carrying out this
37 subdivision, the department shall release, at a minimum,
38 assumptions and other estimates relating to all of the following:

39 (1) Basin hydrology, including annual rainfall, estimated
40 unimpaired stream flow, depletions, and consumptive uses.

(2) Groundwater supplies, including estimates of sustainable yield, supplies necessary to recover overdraft basins, and supplies lost due to pollution and other groundwater contaminants.

(3) Current and projected land use patterns, including the mix of residential, commercial, industrial, agricultural, and undeveloped lands.

(4) Environmental water needs, including regulatory instream flow requirements, nonregulated instream uses, and water needs by wetlands, preserves, refuges, and other managed and unmanaged natural resource lands.

(5) Current and projected population.

(6) Current and projected water use for all of the following:

(A) Interior uses in a single-family dwelling.

(B) Exterior uses in a single-family dwelling.

(C) All uses in a multifamily dwelling.

(D) Commercial uses.

(E) Industrial uses.

(F) Parks and open spaces.

(7) Evapotranspiration rates for major crop types, including estimates of evaporative losses by irrigation practice and the extent to which evaporation reduces transpiration.

(8) Current and projected adoption of urban and agricultural conservation practices.

(9) Current and projected supplies of water provided by water recycling and reuse.

(10) The energy required to provide current and projected water supplies.

(d) The department shall include a discussion of the potential for alternative water pricing policies to change current and projected water uses identified pursuant to paragraph (6) of subdivision (c).

(e) Nothing in this section requires or prohibits the department from updating any data necessary to update The California Water Plan pursuant to subdivision (b) of Section 10004.

SEC. 17. Section 10620 of the Water Code is amended to read:

10620. (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

1 (b) Every person that becomes an urban water supplier shall
2 adopt an urban water management plan within one year after it
3 has become an urban water supplier.

4 (c) An urban water supplier indirectly providing water shall
5 not include planning elements in its water management plan as
6 provided in Article 2 (commencing with Section 10630) that
7 would be applicable to urban water suppliers or public agencies
8 directly providing water, or to their customers, without the
9 consent of those suppliers or public agencies.

10 (d) (1) An urban water supplier may satisfy the requirements
11 of this part by participation in areawide, regional, watershed, or
12 basinwide urban water management planning where those plans
13 will reduce preparation costs and contribute to the achievement
14 of conservation and efficient water use.

15 (2) Each urban water supplier shall coordinate the preparation
16 of its plan with other appropriate agencies in the area, including
17 other water suppliers that share a common source, water
18 management agencies, *public utilities that provide electric or gas*
19 *service* and *other* relevant public agencies, to the extent
20 practicable.

21 (e) The urban water supplier may prepare the plan with its
22 own staff, by contract, or in cooperation with other governmental
23 agencies.

24 (f) An urban water supplier shall describe in the plan water
25 management tools and options used by that entity that will
26 maximize resources and minimize the need to import water from
27 other regions.

28 SEC. 18. Section 10631 of the Water Code is amended to
29 read:

30 10631. A plan shall be adopted in accordance with this
31 chapter and shall do all of the following:

32 (a) Describe the service area of the supplier, including current
33 and projected population, climate, and other demographic factors
34 affecting the supplier's water management planning. The
35 projected population estimates shall be based upon data from the
36 state, regional, or local service agency population projections
37 within the service area of the urban water supplier and shall be in
38 five-year increments to 20 years or as far as data is available.

39 (b) Identify and quantify, to the extent practicable, the existing
40 and planned sources of water available to the supplier over the

1 same five-year increments described in subdivision (a). If
2 groundwater is identified as an existing or planned source of
3 water available to the supplier, all of the following information
4 shall be included in the plan:

5 (1) A copy of any groundwater management plan adopted by
6 the urban water supplier, including plans adopted pursuant to
7 Part 2.75 (commencing with Section 10750), or any other
8 specific authorization for groundwater management.

9 (2) A description of any groundwater basin or basins from
10 which the urban water supplier pumps groundwater. For those
11 basins for which a court or the board has adjudicated the rights to
12 pump groundwater, a copy of the order or decree adopted by the
13 court or the board and a description of the amount of
14 groundwater the urban water supplier has the legal right to pump
15 under the order or decree. For basins that have not been
16 adjudicated, information as to whether the department has
17 identified the basin or basins as overdrafted or has projected that
18 the basin will become overdrafted if present management
19 conditions continue, in the most current official departmental
20 bulletin that characterizes the condition of the groundwater basin,
21 and a detailed description of the efforts being undertaken by the
22 urban water supplier to eliminate the long-term overdraft
23 condition.

24 (3) A detailed description and analysis of the location, amount,
25 and sufficiency of groundwater pumped by the urban water
26 supplier for the past five years. The description and analysis shall
27 be based on information that is reasonably available, including,
28 but not limited to, historic use records.

29 (4) A detailed description and analysis of the amount and
30 location of groundwater that is projected to be pumped by the
31 urban water supplier. The description and analysis shall be based
32 on information that is reasonably available, including, but not
33 limited to, historic use records.

34 (c) Describe the reliability of the water supply and
35 vulnerability to seasonal or climatic shortage, to the extent
36 practicable, and provide data for each of the following:

37 (1) An average water year.

38 (2) A single dry water year.

39 (3) Multiple dry water years.

1 For any water source that may not be available at a consistent
2 level of use, given specific legal, environmental, water quality, or
3 climatic factors, describe plans to supplement or replace that
4 source with alternative sources or water demand management
5 measures, to the extent practicable.

6 (d) Describe the opportunities for exchanges or transfers of
7 water on a short-term or long-term basis.

8 (e) *Quantify the energy requirements of each existing and*
9 *planned water source identified in subdivisions (b) and (d).*

10 (f) (1) Quantify, to the extent records are available, past and
11 current water use, over the same five-year increments described
12 in subdivision (a), and projected water use, identifying the uses
13 among water use sectors including, but not necessarily limited to,
14 all of the following uses:

15 (A) Single-family residential.

16 (B) Multifamily.

17 (C) Commercial.

18 (D) Industrial.

19 (E) Institutional and governmental.

20 (F) Landscape.

21 (G) Sales to other agencies.

22 (H) Saline water intrusion barriers, groundwater recharge, or
23 conjunctive use, or any combination thereof.

24 (I) Agricultural.

25 (2) The water use projections shall be in the same five-year
26 increments described in subdivision (a).

27 ~~(f)~~

28 (g) Provide a description of the supplier's water demand
29 management measures. This description shall include all of the
30 following:

31 (1) A description of each water demand management measure
32 that is currently being implemented, or scheduled for
33 implementation, including the steps necessary to implement any
34 proposed measures, including, but not limited to, all of the
35 following:

36 (A) Water survey programs for single-family residential and
37 multifamily residential customers.

38 (B) Residential plumbing retrofit.

39 (C) System water audits, leak detection, and repair.

- 1 (D) Metering with commodity rates for all new connections
- 2 and retrofit of existing connections.
- 3 (E) Large landscape conservation programs and incentives.
- 4 (F) High-efficiency washing machine rebate programs.
- 5 (G) Public information programs.
- 6 (H) School education programs.
- 7 (I) Conservation programs for commercial, industrial, and
- 8 institutional accounts.
- 9 (J) Wholesale agency programs.
- 10 (K) Conservation pricing.
- 11 (L) Water conservation coordinator.
- 12 (M) Water waste prohibition.
- 13 (N) Residential ultra-low-flush toilet replacement programs.
- 14 (2) A schedule of implementation for all water demand
- 15 management measures proposed or described in the plan.
- 16 (3) A description of the methods, if any, that the supplier will
- 17 use to evaluate the effectiveness of water demand management
- 18 measures implemented or described under the plan.
- 19 (4) An estimate, if available, of existing conservation savings
- 20 on water use within the supplier's service area, and the effect of
- 21 the savings on the supplier's ability to further reduce demand.
- 22 ~~(g)~~
- 23 (h) An evaluation of each water demand management measure
- 24 listed in paragraph (1) of subdivision ~~(f)~~ (g) that is not currently
- 25 being implemented or scheduled for implementation. In the
- 26 course of the evaluation, first consideration shall be given to
- 27 water demand management measures, or combination of
- 28 measures, that offer lower incremental costs than expanded or
- 29 additional water supplies. This evaluation shall do all of the
- 30 following:
- 31 (1) Take into account economic and noneconomic factors,
- 32 including environmental, social, health, customer impact, and
- 33 technological factors.
- 34 (2) Include a cost-benefit analysis, identifying total benefits
- 35 and total costs, *including, but not limited to, the energy costs and*
- 36 *benefits of conserved water.*
- 37 (3) Include a description of funding available to implement
- 38 any planned water supply project that would provide water at a
- 39 higher unit cost.

1 (4) Include a description of the water supplier's legal authority
2 to implement the measure and efforts to work with other relevant
3 agencies to ensure the implementation of the measure and to
4 share the cost of implementation.

5 ~~(h)~~

6 (i) Include a description of all water supply projects and water
7 supply programs that may be undertaken by the urban water
8 supplier to meet the total projected water use as established
9 pursuant to subdivision (a) of Section 10635. The urban water
10 supplier shall include a detailed description of expected future
11 projects and programs, other than the demand management
12 programs identified pursuant to paragraph (1) of subdivision ~~(f)~~
13 (g), that the urban water supplier may implement to increase the
14 amount of the water supply available to the urban water supplier
15 in average, single-dry, and multiple-dry water years. The
16 description shall identify specific projects and include a
17 description of the increase in water supply that is expected to be
18 available from each project. The description shall include an
19 estimate with regard to the implementation timeline for each
20 project or program.

21 ~~(i)~~

22 (j) Describe the opportunities for development of desalinated
23 water, including, but not limited to, ocean water, brackish water,
24 and groundwater, as a long-term supply.

25 ~~(j)~~

26 (k) Urban water suppliers that are members of the California
27 Urban Water Conservation Council and submit annual reports to
28 that council in accordance with the "Memorandum of
29 Understanding Regarding Urban Water Conservation in
30 California," dated September 1991, may submit the annual
31 reports identifying water demand management measures
32 currently being implemented, or scheduled for implementation,
33 to satisfy the requirements of subdivisions ~~(f)~~ and (g) and (h).

34 ~~(k)~~

35 (l) Urban water suppliers that rely upon a wholesale agency
36 for a source of water, shall provide the wholesale agency with
37 water use projections from that agency for that source of water in
38 five-year increments to 20 years or as far as data is available. The
39 wholesale agency shall provide information to the urban water
40 supplier for inclusion in the urban water supplier's plan that

1 identifies and quantifies, to the extent practicable, the existing
2 and planned sources of water as required by subdivision (b),
3 available from the wholesale agency to the urban water supplier
4 over the same five-year increments, and during various
5 water-year types in accordance with subdivision (c). An urban
6 water supplier may rely upon water supply information provided
7 by the wholesale agency in fulfilling the plan informational
8 requirements of subdivisions (b) and (c).

9 SEC. 19. Section 10644 of the Water Code is amended to
10 read:

11 10644. (a) An urban water supplier shall submit to the
12 ~~department, the California State Library, and any city or county~~
13 ~~within which the supplier provides water supplies~~ *entities listed*
14 *in subdivision (b)* a copy of its plan no later than 30 days after
15 adoption. Copies of amendments or changes to the plans shall be
16 submitted to the ~~department, the California State Library, and~~
17 ~~any city or county within which the supplier provides water~~
18 ~~supplies~~ *entities listed in subdivision (b)* within 30 days after
19 adoption.

20 (b) *An urban water supplier shall file a copy of its plan and*
21 *amendments or changes with each of the following entities:*

22 (1) *The department.*

23 (2) *Any city or county within which the urban water supplier*
24 *provides water supplies.*

25 (3) *Any groundwater management entity within which the*
26 *urban water supplier extracts or provides water supplies.*

27 (4) *Any agricultural water supplier within which district the*
28 *urban water supplier provides water supplies.*

29 (5) *Any city or county library within which district the urban*
30 *water supplier provides water supplies.*

31 (6) *The California State Library.*

32 (c) The department shall prepare and submit to the Legislature,
33 on or before December 31, in the years ending in six and one, a
34 report summarizing the status of the plans adopted pursuant to
35 this part. The report prepared by the department shall identify the
36 outstanding elements of the individual plans. The department
37 shall provide a copy of the report to each urban water supplier
38 that has submitted its plan to the department. The department
39 shall also prepare reports and provide data for any legislative

1 hearings designed to consider the effectiveness of plans
2 submitted pursuant to this part.

3 SEC. 20. Section 10645 of the Water Code is amended to
4 read:

5 10645. Not later than 30 days after ~~filing a copy of adopting~~
6 ~~its plan with the department~~, the urban water supplier ~~and the~~
7 ~~department~~ shall make the plan available for public review
8 ~~during normal business hours on the Internet World Wide Web~~
9 ~~site of the urban water supplier.~~

10 SEC. 21. Section 10652 of the Water Code is amended to
11 read:

12 10652. The California Environmental Quality Act (Division
13 13 (commencing with Section 21000) of the Public Resources
14 Code) ~~does not apply~~ *applies* to the preparation and adoption of
15 plans pursuant to this part ~~or and~~ to the implementation of
16 actions taken pursuant to Section 10632. Nothing in this part
17 shall be interpreted as exempting from the California
18 Environmental Quality Act any project that would significantly
19 affect water supplies for fish and wildlife, or any project for
20 implementation of the plan, other than projects implementing
21 Section 10632, or any project for expanded or additional water
22 supplies.

23 SEC. 22. Section 10656 of the Water Code is amended to
24 read:

25 10656. An urban water supplier that does not prepare, adopt,
26 and submit its urban water management plan ~~to the department~~ in
27 accordance with this part, is ineligible to receive ~~funding~~
28 ~~pursuant to Division 24 (commencing with Section 78500) or~~
29 ~~Division 26 (commencing with Section 79000), or receive~~
30 ~~drought assistance from the state funds made available pursuant~~
31 ~~to any program administered by the board, the department, or~~
32 ~~the California Bay-Delta Authority~~ until the urban water
33 management plan is submitted pursuant to this article.

34 SEC. 23. Section 10657 of the Water Code is repealed.

35 ~~10657. (a) The department shall take into consideration~~
36 ~~whether the urban water supplier has submitted an updated urban~~
37 ~~water management plan that is consistent with Section 10631, as~~
38 ~~amended by the act that adds this section, in determining whether~~
39 ~~the urban water supplier is eligible for funds made available~~
40 ~~pursuant to any program administered by the department.~~

~~(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

SEC. 24. Section 10753.7 of the Water Code is amended to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, any local agency seeking state funds administered by the department, *the board, or the California Bay-Delta Authority* for the construction of groundwater projects or groundwater quality projects, excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin.

(2) For the purposes of carrying out paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For the purposes of carrying out paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) The local agency shall adopt monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater

1 levels or quality or are caused by groundwater pumping in the
2 basin. The monitoring protocols shall be designed to generate
3 information that promotes efficient and effective groundwater
4 management.

5 (5) Local agencies that are located in areas outside the
6 groundwater basins delineated on the latest edition of the
7 department's groundwater basin and subbasin map shall prepare
8 groundwater management plans incorporating the components in
9 this subdivision, and shall use geologic and hydrologic principles
10 appropriate to those areas.

11 (6) (A) *The local agency shall update the plan on or before*
12 *December 31, 2008, and every five years thereafter. The update*
13 *will evaluate the progress made in achieving the adopted basin*
14 *management objectives, identify successes and shortcomings in*
15 *meeting those objectives, revise the basin management objectives*
16 *as appropriate, and develop a plan to achieve the basin*
17 *management objectives as they may or may not be revised. The*
18 *updated plans are due on or before December 31 in years ending*
19 *in three and eight.*

20 (B) *Notwithstanding subparagraph (A), a local agency is not*
21 *required to update a groundwater management plan on or before*
22 *December 31, 2008, if their plan was adopted on or after*
23 *January 1, 2004.*

24 (b) (1) (A) A local agency may receive state funds
25 administered by the department for the construction of
26 groundwater projects or for other projects that directly affect
27 groundwater levels or quality if it prepares and implements,
28 participates in, or consents to be subject to, a groundwater
29 management plan, a basinwide management plan, or other
30 integrated regional water management program or plan that
31 meets, or is in the process of meeting, the requirements of
32 subdivision (a). A local agency with an existing groundwater
33 management plan that meets the requirements of subdivision (a),
34 or a local agency that completes an upgrade of its plan to meet
35 the requirements of subdivision (a) within one year of applying
36 for funds, shall be given priority consideration for state funds
37 administered by the department over local agencies that are in the
38 process of developing a groundwater management plan. The
39 department shall withhold funds from the project until the
40 upgrade of the groundwater management plan is complete.

(B) Notwithstanding subparagraph (A), a local agency that manages groundwater under any other provision of existing law that meets the requirements of subdivision (a), or that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funding, shall be eligible for funding administered by the department. The department shall withhold funds from a project until the upgrade of the groundwater management plan is complete.

(C) Notwithstanding subparagraph (A), a local agency that conforms to the requirements of an adjudication of water rights in the groundwater basin is in compliance with subdivision (a). For purposes of this section, an “adjudication” includes an adjudication under Section 2101, an administrative adjudication, and an adjudication in state or federal court.

(D) Subparagraphs (A) and (B) do not apply to proposals for funding under Part 2.78 (commencing with Section 10795), or to funds authorized or appropriated prior to September 1, 2002.

(2) Upon the adoption of a groundwater management plan in accordance with this part, the local agency shall submit *to the entities listed in paragraph (3)* a copy of the plan *no later than 30 days after the date of adoption*. *The local agency shall submit copies of amendments or changes to the plan to the entities listed in paragraph (3) within 30 days after the date of adoption.*

(3) *A local agency shall file a copy of its plan and amendments with each of the following:*

(A) *The department.*

(B) *Any city or county within which the groundwater basin lies in whole or in part.*

(C) *Any urban water supplier that extracts or provides water supplies within the groundwater basin.*

(D) *Any agricultural water supplier that extracts or provides water supplies within the groundwater basin.*

(E) *Any city or county library within which district the groundwater basin lies in whole or in part.*

(F) *The California State Library.*

(4) *Not later than 30 days after the date of adopting its plan, the local agency shall make the plan available for public review on the local agency’s Internet World Wide Web site.*

SEC. 25. Section 10811 of the Water Code is amended to read:

1 10811. "Conservation" means the use of cost-effective
2 measures that ~~reduce evapotranspiration, evaporation, or flows to~~
3 ~~unusable water bodies in order to prevent the waste, the~~
4 ~~unreasonable use, or the unreasonable method of use of water do~~
5 ~~either of the following:~~

6 (a) *Reduce existing irrecoverable losses by reducing losses*
7 *currently unavailable for reuse because they flow to salt sink or*
8 *an inaccessible or degraded aquifer, or evaporate to the*
9 *atmosphere.*

10 (b) *Reduce diversions or extractions while maintaining the*
11 *current social and economic benefits of the current uses of*
12 *water..*

13 SEC. 26. Section 10814 of the Water Code is amended to
14 read:

15 10814. "Plan" means an agricultural water management plan
16 prepared pursuant to this part. A plan shall describe and evaluate
17 reasonable and practical efficient uses and conservation
18 activities. ~~The components of the plan may vary according to an~~
19 ~~area's characteristics and its capabilities to conserve and use~~
20 ~~water efficiently.~~ The plan shall address measures for agricultural
21 water management as set forth in Article 2 (commencing with
22 Section ~~10830~~) 10825) of Chapter 3. In addition, a strategy and
23 time schedule for implementation shall be included in the plan.

24 SEC. 27. Section 10816 of the Water Code is amended to
25 read:

26 10816. "Agricultural water supplier" or "supplier" means a
27 supplier, either publicly or privately owned, supplying more than
28 ~~50,000~~ 2,000 acre-feet of water annually for agricultural
29 purposes. An agricultural water supplier includes a supplier or
30 contractor for water, regardless of the basis of right, which
31 distributes or sells for ultimate resale to customers.

32 SEC. 28. Section 10820 of the Water Code is repealed.

33 ~~10820. (a) The requirements of this part shall be satisfied by~~
34 ~~any water management or conservation plan prepared to meet~~
35 ~~federal or state laws or regulations which substantially include~~
36 ~~the contents of a plan required under this part if that plan was~~
37 ~~prepared after January 1, 1981.~~

38 ~~(b) Those suppliers that have prepared, or are preparing, an~~
39 ~~alternate plan as described in subdivision (a) shall submit that~~
40 ~~plan to the department not later than December 31, 1991.~~

1 SEC. 29. Section 10820 is added to the Water Code, to read:

2 10820. (a) An agricultural water supplier shall prepare and
3 adopt an agricultural water management plan in the manner set
4 forth in this chapter on or before December 31, 2010.

5 (b) Every person that becomes an agricultural water supplier
6 shall adopt an agricultural water management plan within one
7 year after the date it has become an agricultural water supplier.

8 (c) An agricultural water supplier indirectly providing water
9 shall not include planning elements in its water management plan
10 as provided in Article 2 (commencing with Section 10825) that
11 would be applicable to agricultural water suppliers or public
12 agencies directly providing water, or to their customers, without
13 the consent of those suppliers or public agencies.

14 (d) (1) An agricultural water supplier may satisfy the
15 requirements of this part by participation in areawide, regional,
16 watershed, or basinwide urban water management planning if
17 those plans will reduce preparation costs and contribute to the
18 achievement of conservation and efficient water use.

19 (2) An agricultural water supplier, to the extent practicable,
20 shall coordinate the preparation of its plan with other appropriate
21 agencies in the area, including, but not limited to, other water
22 suppliers that share a common source, water management
23 agencies, and relevant public agencies.

24 (e) An agricultural water supplier may prepare the plan with
25 its own staff, by contract, or in cooperation with other
26 governmental agencies.

27 (f) An agricultural water supplier shall describe in the plan
28 water management tools and options used by that entity that will
29 maximize resources and minimize the need to import water from
30 other regions.

31 SEC. 30. Section 10821 of the Water Code is repealed.

32 ~~10821. (a) Every agricultural water supplier serving water~~
33 ~~directly to customers shall prepare an informational report based~~
34 ~~on information from the last three irrigation seasons on its water~~
35 ~~management and conservation practices in the manner set forth in~~
36 ~~Article 2 (commencing with Section 10825) and shall submit the~~
37 ~~report to the department not later than December 31, 1989.~~

38 ~~(b) The informational report shall include a determination of~~
39 ~~whether the supplier has a significant opportunity to conserve~~
40 ~~water or reduce the quantity of highly saline or toxic drainage~~

1 ~~water through improved irrigation water management in the~~
2 ~~manner set forth in subdivision (g) of Section 10825.~~

3 ~~(e) Suppliers may consult with appropriate state agencies or~~
4 ~~the Agricultural Experiment Station to help determine whether~~
5 ~~significant opportunities exist. State agencies shall cooperate~~
6 ~~with agricultural water suppliers in any reasonable manner.~~

7 ~~(d) Those suppliers that determine that a significant~~
8 ~~opportunity exists to conserve water or reduce the quantity of~~
9 ~~highly saline or toxic drainage water in the manner set forth in~~
10 ~~subdivision (g) of Section 10825 shall prepare and adopt an~~
11 ~~agricultural water management plan based on information from~~
12 ~~the last three irrigation seasons in the manner set forth in Section~~
13 ~~10826 and shall submit the plan to the department not later than~~
14 ~~December 31, 1991.~~

15 SEC. 31. Section 10821 is added to the Water Code, to read:

16 10821. (a) An agricultural water supplier shall update its plan
17 at least once every five years on or before December 31, in years
18 ending in five and zero.

19 (b) An agricultural water supplier required to prepare a plan
20 pursuant to this part shall notify any city or county within which
21 the supplier provides water supplies that the urban water supplier
22 will be reviewing the plan and considering amendments or
23 changes to the plan. The agricultural water supplier may consult
24 with, and obtain comments from, any city or county that receives
25 notice pursuant to this subdivision.

26 (c) The amendments to, or changes in, the plan shall be
27 adopted and filed in the manner set forth in Article 3
28 (commencing with Section 10840).

29 SEC. 32. Section 10822 of the Water Code is repealed.

30 ~~10822. Every person that becomes an agricultural water~~
31 ~~supplier after December 31, 1988, shall comply with the~~
32 ~~requirements of this part within two years after becoming an~~
33 ~~agricultural water supplier to an area.~~

34 SEC. 33. Section 10823 of the Water Code is repealed.

35 ~~10823. An agricultural water supplier indirectly providing~~
36 ~~water to customers may adopt an agricultural water management~~
37 ~~plan or participate in areawide, regional, watershed, or basinwide~~
38 ~~agricultural water management planning.~~

39 SEC. 34. Section 10824 of the Water Code is repealed.

~~10824. An agricultural water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide agricultural water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use and where those plans satisfy the requirements of this part.~~

SEC. 35. Section 10825 of the Water Code is repealed.

~~10825. To the extent information is available, the reports shall address all of the following:~~

~~(a) The quantity and source of water delivered to, and by, the supplier.~~

~~(b) Other sources of water used within the service area, such as groundwater and other diversions.~~

~~(c) A general description of the supplier's water delivery system and service area, including a map.~~

~~(d) Total irrigated acreage within the service area.~~

~~(e) The amount of acreage of trees and vines grown within the service area.~~

~~(f) An identification of all of the following:~~

~~(1) Current water conservation and reclamation practices being used.~~

~~(2) Plans for changing current water conservation plans.~~

~~(3) Conservation educational services being used.~~

~~(g) A determination of whether the supplier, through improved irrigation water management, has a significant opportunity to do one or both of the following:~~

~~(1) Save water by means of reduced evapotranspiration, evaporation, or reduction of flows to unusable water bodies that fail to serve further beneficial uses.~~

~~(2) Reduce the quantity of highly saline or toxic drainage water.~~

SEC. 36. Section 10825 is added to the Water Code, to read:

10825. It is the intent of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

SEC. 37. Section 10826 of the Water Code is repealed.

~~10826. To the extent information is available, the plans shall address all of the following:~~

1 ~~(a) The quantity and source of surface water, groundwater, and~~
2 ~~recycled water delivered to and by the supplier.~~

3 ~~(b) A description of all of the following:~~

4 ~~(1) The water delivery system used in the area supplied.~~

5 ~~(2) The beneficial uses of the water supplied, including~~
6 ~~noncrop beneficial uses.~~

7 ~~(3) Conjunctive use programs.~~

8 ~~(4) Incidental and planned groundwater recharge.~~

9 ~~(5) Water recycling programs, including treatment and~~
10 ~~distribution facilities.~~

11 ~~(6) The amounts of the delivered water that are lost to further~~
12 ~~beneficial use to unusable bodies of water or moisture-deficient~~
13 ~~soils through the following:~~

14 ~~(A) Crop evapotranspiration.~~

15 ~~(B) Noncrop evapotranspiration.~~

16 ~~(C) Evaporation from water surfaces.~~

17 ~~(D) Surface flow or percolation.~~

18 ~~(e) An identification of cost-effective and economically~~
19 ~~feasible measures for water conservation and recycling, their~~
20 ~~resulting detriments and benefits, and the impacts on amounts of~~
21 ~~downstream surface water supply and immediately adjacent~~
22 ~~groundwater supply.~~

23 ~~(d) An evaluation of other significant impacts, including~~
24 ~~impacts within the service area and downstream on fish and~~
25 ~~wildlife habitat, water quality, energy use, and other factors of~~
26 ~~either local or statewide concern or interstate concern, where~~
27 ~~applicable. Alternatives should be designed to minimize impacts~~
28 ~~on other beneficial users currently being served both within and~~
29 ~~without the service area and to result in improved overall water~~
30 ~~management.~~

31 ~~(e) A schedule prepared by the supplier to implement those~~
32 ~~water management practices that it determines to be~~
33 ~~cost-effective and economically feasible. Priority shall be given~~
34 ~~to those water management practices, or combination of~~
35 ~~practices, that offer lower incremental costs than expanded or~~
36 ~~additional water supplies.~~

37 SEC. 38. Section 10826 is added to the Water Code, to read:

38 10826. A plan shall be adopted in accordance with this
39 chapter and shall do all of the following:

- 1 (a) Describe the agricultural water supplier and the service
- 2 area, including all of the following:
- 3 (1) History and size of the service area.
- 4 (2) Location of the service area and its water management
- 5 facilities.
- 6 (3) Terrain and soils.
- 7 (4) Climate.
- 8 (5) Operating rules and regulations.
- 9 (6) Water delivery measurements or calculations.
- 10 (7) Water rate schedules and billing.
- 11 (8) Water shortage allocation policies.
- 12 (b) Describe the quantity and quality of water resources of the
- 13 agricultural water supplier, including all of the following:
- 14 (1) Surface water supply.
- 15 (2) Groundwater supply.
- 16 (3) Other water supplies.
- 17 (4) Source water quality monitoring practices.
- 18 (5) Water uses within the water supplier's service area,
- 19 including all of the following:
- 20 (A) Agricultural.
- 21 (B) Environmental.
- 22 (C) Recreational.
- 23 (D) Municipal and industrial.
- 24 (E) Groundwater recharge.
- 25 (F) Transfers and exchanges.
- 26 (G) Other water uses.
- 27 (6) Drainage from the water supplier service area.
- 28 (7) Water accounting, including:
- 29 (A) Quantifying the water supplier's water supplies.
- 30 (B) Tabulate water uses.
- 31 (C) Overall water budget.
- 32 (8) Water supply reliability.
- 33 (c) Review previous water management activities.
- 34 (d) Identify efficient water management practices.
- 35 (e) Develop a schedule for program implementation, estimate
- 36 the budget needed for implementation, and identify the results
- 37 expected from full implementation of the agricultural water
- 38 management plan.
- 39 SEC. 39. Section 10840 of the Water Code is amended to
- 40 read:

1 10840. Every agricultural water supplier ~~required to prepare a~~
2 ~~water management plan pursuant to subdivision (d) of Section~~
3 ~~10821 shall prepare its plan pursuant to Section 10826 Article 2~~
4 ~~(commencing with Section 10825).~~

5 SEC. 40. Section 10841 of the Water Code is amended to
6 read:

7 10841. ~~(a)~~—An agricultural water supplier required to prepare
8 a plan may consult with, and obtain comments from, any public
9 agency or state agency or any person who has special expertise
10 with respect to water conservation and reclamation and
11 management methods and techniques.

12 ~~(b) In order to assist agricultural water suppliers in obtaining~~
13 ~~needed expertise as provided for in subdivision (a), the~~
14 ~~department, upon request of an agricultural water supplier, shall~~
15 ~~provide the supplier with a list of persons or agencies having~~
16 ~~expertise or experience in the development of water management~~
17 ~~plans.~~

18 ~~(c) The department shall prepare by July 1, 1988, an outline of~~
19 ~~model informational reports and water management plans which~~
20 ~~an agricultural water supplier may use in complying with the~~
21 ~~requirements of this part.~~

22 SEC. 41. Section 10844 of the Water Code is amended to
23 read:

24 10844. *(a)* An agricultural water supplier shall file with the
25 ~~department~~ *entities listed in subdivision (b)* a copy of its plan no
26 later than 30 days after adoption. Copies of amendments or
27 changes to the plans shall be filed with the ~~department~~ *entities*
28 *listed in subdivision (b)* within 30 days after adoption.

29 ~~Not later than January 1, 1993, the department shall prepare~~
30 ~~and submit to the Legislature a report summarizing the status of~~
31 ~~the plans adopted pursuant to this part.~~

32 *(b) An agricultural water supplier shall file a copy of its plan*
33 *and amendments or changes to the plan with each of the*
34 *following entities:*

35 *(1) The department.*

36 *(2) Any city or county, or city and county, within which the*
37 *agricultural water supplier provides water supplies.*

38 *(3) Any groundwater management entities within which the*
39 *agricultural water supplier extracts or provides water supplies.*

1 (4) Any urban water supplier within which district the
2 agricultural water supplier provides water supplies.

3 (5) Any city or county library within which district the
4 agricultural water supplier provides water supplies.

5 (6) The California State Library.

6 (c) The department shall prepare and submit to the
7 Legislature, on or before December 31, in the years ending in six
8 and one, a report summarizing the status of the plans adopted
9 pursuant to this part. The report prepared by the department
10 shall identify the outstanding elements of the individual plans.
11 The department shall provide a copy of the report to each urban
12 water supplier that has submitted its plan to the department. The
13 department shall also prepare reports and provide data for any
14 legislative hearings designed to consider the effectiveness of
15 plans submitted pursuant to this part.

16 SEC. 42. Section 10845 of the Water Code is repealed.

17 ~~10845. The adoption of a plan or submission of a report as~~
18 ~~specified in subdivision (d) of Section 10821 satisfies any~~
19 ~~requirements of state statute, regulation, or order, including those~~
20 ~~of the State Water Resources Control Board, for the preparation~~
21 ~~of water management plans. If the board requires additional~~
22 ~~information concerning water conservation to implement its~~
23 ~~existing authority, nothing in this part limits the board in~~
24 ~~obtaining that information.~~

25 SEC. 43. Section 10845 is added to the Water Code, to read:

26 10845. The adoption of a plan as specified in Section 10820
27 satisfies any requirements of state statute, regulation, or order,
28 including those of the State Water Resources Control Board, for
29 the preparation of water management plans. If the State Water
30 Resources Control Board requires additional information
31 concerning water conservation to implement its existing
32 authority, nothing in this part limits that board in obtaining that
33 information.

34 SEC. 44. Section 10853 of the Water Code is repealed.

35 ~~10853. The department, from funds appropriated for this~~
36 ~~purpose, shall reimburse each supplier preparing an~~
37 ~~informational report pursuant to this part for the cost incurred in~~
38 ~~preparing the report up to an amount, not to exceed five thousand~~
39 ~~dollars (\$5,000) per report. The department shall reimburse each~~
40 ~~supplier preparing an agricultural water management plan~~

1 ~~pursuant to this part for the costs incurred by the supplier in~~
2 ~~preparing the plan up to an amount, not to exceed twenty-five~~
3 ~~thousand dollars (\$25,000) per plan.~~

4 SEC. 45. Section 10853 is added to the Water Code, to read:

5 10853. The adoption of a plan as specified in Section 10820
6 satisfies any requirements of state statute, regulation, or order,
7 including those of the State Water Resources Control Board, for
8 the preparation of water management plans. If the State Water
9 Resources Control Board requires additional information
10 concerning water conservation to implement its existing
11 authority, nothing in this part limits that board in obtaining that
12 information.

13 SEC. 46. Section 10854 of the Water Code is repealed.

14 ~~10854. No agricultural water supplier shall be required to~~
15 ~~prepare an agricultural water management plan pursuant to this~~
16 ~~part unless funds are appropriated by the Legislature for the~~
17 ~~1990-91 fiscal year, or before, to reimburse the agricultural~~
18 ~~water supplier for its costs associated with the plans.~~

19 SEC. 47. Section 10854 is added to the Water Code, to read:

20 10854. An agricultural water supplier that does not prepare,
21 adopt, and submit its agricultural water management plan in
22 accordance with this part, is ineligible to receive funds made
23 available pursuant to any program administered by the State
24 Water Resources Control Board, the department, or the
25 California Bay-Delta Authority until the agricultural water
26 management plan is submitted pursuant to this article.

27 SEC. 48. Section 10855 of the Water Code is repealed.

28 ~~10855. This part shall remain operative only until January 1,~~
29 ~~1993, except that, if an agricultural water supplier fails to submit~~
30 ~~its information report or agricultural water management plan~~
31 ~~prior to January 1, 1993, this part shall remain operative with~~
32 ~~respect to that supplier until it has submitted its report or plan, or~~
33 ~~both.~~